

**REMARKS**

The Applicant would like to thank the Examiner for her considerations during a telephone conference on November 15, 2006 to discuss the Office Action.

Claims 1-29 are pending in the present application. Claims 11-22 and 27-29, and various variants of SEQ ID NO:1 stand withdrawn as drawn to a nonelected invention as indicated in the Office Action. Claims 1-10 and 23-26 stand objected to, and claims 1, 2, 4-10 and 23-25 stand rejected for the reasons indicated in the Office Action. Further, allowable subject matter has been indicated as “the polymorphic variant of SEQ ID NO:1 where the cytosine at position 15222 is replaced with a thymine,” and also SEQ ID NO:16.

In response, claims 1-3 and 26 have been amended, claims 28-29 have been canceled, new claims 30-59 have been added, and rejoinder of claims 11-22 and 27 has been requested. Further, claims 13, 18, 20 and 25 have been amended to correct minor typographical errors. No new matter has been added by this amendment. Entry of this amendment is hereby requested.

The United States Patent and Trademark Office has indicated that “the polymorphic variant of SEQ ID NO:1 where the cytosine at position 15222 is replace with a thymine (claim 26)” and SEQ ID NO:16 constitute allowable subject matter. In response, claim 1 has been limited to Primer Group II, which is defined as including the allowable SEQ ID NO:16, and claim 26 has been amended to be limited to the single variant. Therefore, claims 1 and 26 as amended are believed to be allowable.

Additionally, claims 2 and 3 have been amended to recite Primer Group II combined with either Primer Group I or Primer Group III (claim 2), or combined with both Primer Group I and Primer Group III (claim 3). As claims 2 and 3 depend from allowable claim 1, claims 2 and 3 are believed to be allowable.

Further as claims 4-10 and 23-25 depend from allowable claim 1, claims 4-10 and 23-25 are believed to be allowable.

Additionally, the Applicant hereby requests rejoinder of claims 11-22, which depend from allowable claim 1, and therefore are also believed to be allowable. The Applicant notes

that reconsideration of the non-elected claims was requested in the Response to Restriction Requirement.

Further, new claims 30-44 correspond to original claims 11-25, except that claims 30-44 depend from amended claim 2, and new claims 45-59 correspond to original claims 11-25, except that claims 45-59 depend from amended claim 3. As claims 2 and 3 are believed to be allowable, new claims 30-59 are also believed to be allowable.

Finally, the Applicant hereby requests rejoinder of claim 27, which depends from allowable claim 26 as amended, and therefore is also believed to be allowable. The Applicant notes that reconsideration of the non-elected claims was requested in the Response to Restriction Requirement.

### **CONCLUSION**

Claims 1-10, 23-26 and 30-59 are now believed to be in condition for allowance for the reasons stated above and a Notice of Allowance is earnestly solicited. Additionally, the Applicant requests reconsideration of the withdrawal of claims 11-22 and 27. If, however, there remain any issues that can be resolved by telephone with the Applicants representative, the Examiner is encouraged to contact the undersigned directly.

If any extension of time is required, such extension is hereby requested. The Commissioner is hereby authorized to charge payment of any fees associated with this communication to Deposit Account No. 19-2090.

Respectfully submitted,

SHELDON MAK ROSE & ANDERSON

Date: November 15, 2006

By: /David A. Farah/

David A. Farah, M.D.  
Reg. No. 38,134

SHELDON MAK ROSE & ANDERSON  
A Professional Corporation  
225 South Lake Avenue, 9th Floor  
Pasadena, California 91101  
Tel.: (626) 796-4000  
Fax: (626) 795-6321